

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

LaRon Young,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Burleigh Morton Detention Center, et al.,	)	Case No. 1:19-cv-039
	)	
Defendants.	)	

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On February 11, 2020, the court issued an order in which it, among other things, stayed the above-entitled action during the pendency of a parallel state action previously initiated by plaintiff. (Doc. No. 39).

On April 30, 2020, Defendant Burleigh Morton Detention Center ("BMDC") filed a Motion to Lift Stay. (Doc. No. 43). It represented that plaintiff's parallel state proceedings had been dismissed by the state district court and that this matter could now proceed. (*Id.*). On May 15, 2020, the court issued an order granting BMDC's motion and lifting the stay. In so doing, the court noted that plaintiff had not filed a response in opposition to the motion and that his silence could be deemed an admission that the motion was well taken. (*Id.*).

On May 19, 2020, BMDC filed a Motion for Summary Judgment. On May 26, 2020, plaintiff filed a renewed Motion for Summary Judgment. On June 2, 2020, he filed a "Notice of Defendants Failure to Serve Documents" in which he asserted that BMDC had failed to serve him with a copy of its Motion to Lift Stay,<sup>1</sup> advised that he was appealing the state district court's

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<sup>1</sup> It is not readily apparent from the record whether plaintiff received a copy of the motion to lift the stay as there is no certificate of service attached to the motion and plaintiff cannot receive notice of electronic filings given his status as a pro se litigant. The same can be said in regards to BMDC's Motion for Summary Judgment.

dismissal of his parallel state action to the North Dakota Supreme Court,<sup>2</sup> and requested the imposition of sanctions against defendants due to their failure to properly serve him with the Motion to Lift Stay.

In light of the questions raised by plaintiff regarding service and, more significantly, plaintiff's apparent appeal of the state district court's dismissal of his parallel state action, the court finds that BMDC's Motion to Lift Stay was improvidently granted. Accordingly, the court **VACATES** its May 15, 2020, order (Doc. No. 46), **REINSTATES** the stay, and **STRIKES** the parties' respective Motions for Summary Judgment (Doc. Nos. 47 and 50) with the understanding that they can be served and refiled as necessary at a later date.

**IT IS SO ORDERED.**

Dated this 3rd day of June, 2020.

/s/ Clare R. Hochhalter  
Clare R. Hochhalter, Magistrate Judge  
United States District Court

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<sup>2</sup>The Register of Actions in plaintiff's parallel state court action is accessible to the public on the North Dakota Supreme Court's website. It reflects that plaintiff filed a Notice of Appeal with the state court on or about June 1, 2020.